

The Gazette of India



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NEW DELHI, SATURDAY, SEPTEMBER 17, 1949

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 14th September 1949:—

S. No.	No. and Date	Issued by	Subject
1	No. I-CA (1)/49, dated the 2nd September 1949.	Council of the Institute of Chartered Accountants of India	Further amendment to the Chartered Accountants Regulations, 1949
2	No. 12 (12) F.I./49, dated the 10th September 1949	Ministry of Finance	Special permission of the Reserve Bank re bringing or sending into the Provinces of India from any place outside India and Hyderabad any currency notes or bank notes or any coin issued by the Government of India.
	No. F.E.R.A. 87/49-R.B., dated the 10th September 1949	Ministry of Finance (Reserve Bank of India)	Special permission of the Reserve Bank re bringing or sending into the Provinces of India from any place outside India and Hyderabad any currency notes or bank notes or any coin issued by the Government of India
3	No. 203-P., dated the 12th September 1949.	Ministry of States	Coast Behar (Administration) Order, 1949.
4	No. L.R. 2 (203), dated the 8th September 1949.	Ministry of Labour	Central Government Industrial Tribunal at Dhanbad
5	No. I (33)-Tax.-2/49, dated the 12th September 1949	Ministry of Industry and Supply	Cotton Control Order, 1949.
6	No. 1 (23)-I.T.C./49, dated the 12th September 1949	Ministry of Commerce	Principal governing the issue of Import Licences for July-December 1949.
7	Ordinance No. XXII of 1949, dated the 13th September 1949	Ministry of Law	Requisitioned Land (Apportionment of Compensation) Ordinance, 1949

Copies of the Gazettes Extraordinary mentioned above will be supplied on demand to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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PART I—Section 1

Government of India Notifications relating to Rules, Regulations and Orders, and Resolutions (other than the Ministry of Defence)

CONSTITUENT ASSEMBLY OF INDIA

New Delhi the 8th September 1949

No. CA/80/RR-49.—It is hereby notified that the Hon'ble the President of the Constituent Assembly of India has, in exercise of the power conferred on him by Standing Order 26 of the Constituent Assembly, Standing Orders granted leave to Shri Narayan Datt, Advocate, Banga, Patiala and East Punjab States Union, to withdraw the election petition dated the 12th June 1949 presented by the said Shri Narayan Datt calling in question the validity of the election of Kaka Bhagwant Rai of Dhuri as a representative of the Patiala and East Punjab States Union in the Constituent Assembly of India.

New Delhi the 10th September 1949

No. CA/78/Com RR 48.—Whereas the validity of the election of Dr Y S Parmar as a representative of the Himachal Pradesh in the Constituent Assembly of India has been called in question by an election petition presented by Shri Satya Dev of Bhisham Mahasu District, under the provisions of Chapter X of the Constituent Assembly Rules;

And whereas in accordance with the provisions of rule 56 of the said rules the Credentials Committee to which the said petition is referred has duly submitted its report to the President of the Constituent Assembly;

Now therefore in pursuance of the provisions of rule 61 of the said rules the President is pleased to issue the following orders—

- (1) that the election of the returned candidate, Dr Y S Parmar is hereby declared void;
- (2) that the said Dr Y S Parmar and the petitioner Shri Satya Dev shall bear their own costs;
- (3) that the amount of the security deposited by the petitioner Shri Satya Dev under rule 54 of the said rules shall be returned in full to the said petitioner.

New Delhi the 12th September 1949

No. CA/77/RR-49.—It is hereby notified that the Hon'ble the President of the Constituent Assembly of India has, in exercise of the power conferred on him by Standing Order 26 of the Constituent Assembly Standing Orders, granted leave to Shri Krishnath Trivedi of Indore to withdraw the election petition dated the 28th April 1949, presented by the said Shri Krishnath Trivedi calling in question the validity of the election of Shri Kusum Kant Jam of Ratlam as a representative of the United State of Gwalior Malwa (Madhyabharat) in the Constituent Assembly of India.

By Order
S. N. MUKERJEE, Joint Secy

MINISTRY OF LAW

New Delhi the 17th September 1949

No. F. 35-I/49-L.—In exercise of the powers conferred by sub-section (8) of section 17 of the Government of India Act, 1935 as adapted by the India (Provisional Constitution) Order, 1947 the Governor General is pleased to direct that the following further amendments shall be made in the notification of the Government of India in the Ministry of Law No F. 82 III/48 I dated the 8th January 1949 relating to the execution of contracts and assurances of property namely—

1. In Part IV of the said notification—

After the entries under Head E the following shall be added, namely—

"F.—In the case of the Indian Telephone Industries—
All contracts and other instruments relating to

the business and all agreements or leases for the hire of buildings and lands for the Indian Telephone Industries, by the General Manager, Indian Telephone Industries

2. In Part XIII of the said notification—

(i) In item 2 after the words 'Director of Administration and Co-ordination' the following words shall be inserted, namely—

Chief Technical Adviser (Fertiliser Project) and any of his subordinate Gazetted Officers to whom this power is formally delegated by him;

(ii) In item 3, after the words "Director of Administration and Co-ordination", the following words shall be inserted namely—

Chief Technical Adviser (Fertiliser Project)"

3. In Part XVII of the said notification—

In item 27 the following shall be substituted namely—

"27. Major contracts for the purchase of wooden sleepers and timber of all descriptions exceeding Rs. 5 lakhs but not exceeding Rs. 10 lakhs in value by the Administrator of the Eastern Group Sleeper Pool, the Administrator of the Terai Group Sleeper Pool or the Administrator of the Southern Group Sleeper Pool

27 A. Major contracts for the purchase of wooden sleepers and timber of all descriptions exceeding Rs. 50 000/- but not exceeding Rs. 5 lakhs in value by the President of the Eastern Group Sleeper Pool"

SHRI GOPAL SINGH, Dy Secy

MINISTRY OF HOME AFFAIRS

New Delhi, the 10th September 1949

No. 9/94/49-Police(I).—In exercise of the powers conferred by sub rule (3) of rule 46 of the Indian Arms Rules 1924 the Central Government is pleased to permit the fee payable in respect of any licence or licences which have been or may be issued to Dr C. Mamun Form XVI for the possession of and going armed with such arms and ammunition as are or may be owned under such licence or licences from the date of his appointment as and for so long as he holds the post of Regional Director, South East Asia Region of the World Health Organisation

U. K. GHOSHAL, Dy Secy

MINISTRY OF EXTERNAL AFFAIRS

New Delhi the 7th September 1949

No. F. 16-6/49-BOLI.—In exercise of the powers conferred by Order XXVII Rules 1 and 2 of the Code of Civil Procedure, 1908 (Act V of 1908) and in supersession of Ministry of External Affairs notification No F. 16-6/49 B C II dated the 19th June 1949 the Central Government is pleased to authorise the Controller of South Kanara who is acquainted with the facts of the case proposed to be filed by the Dominion of India against Tekkadthi Kuvhad in the Court of the District Munsif of Kasara god to sign all pleadings and other papers on behalf of the Central Government in the said case and also to vary the same and is further pleased to authorise the said Collector to act for the Central Government enter appearances, make applications and do all other acts in the said case and in all proceedings arising out of connected with the same

S. V. JOSHI, Dy Secy

MINISTRY OF FINANCE

New Delhi, the 7th September 1949

No. D. 10651-F.1 49.—Statement of the Affairs of the Reserve Bank of India, as on 2nd September 1949.

BANKING DEPARTMENT

	LIABILITIES	Rs.		ASSETS	Rs.
Capital paid up		5,00,00,000	Notes		37,40,74,000
Reserve Fund		5,00,00,000	Rupee Coin		6,67,000
Deposits:—			Subsidiary Coin		1,64,000
(a) Government:—			Bills Purchased and Discounted:—		
(1) Central Government		117,00,30,000	(a) Internal		53,48,000
2) Other Governments		24,91,08,000	(b) External		..
(b) Banks		89,00,58,000	(c) Government Treasury Bills		17,93,000
(c) Others		61,30,03,000	Balances held abroad*		187,68,68,000
Bills payable		3,15,07,000	Loans and Advances to Governments		19,00,000
Other Liabilities		5,02,43,000	Other Loans and Advances		9,28,98,000
			Investments		93,11,90,000
			Other Assets		2,80,44,000
	Rupees	311,20,40,000		Rupees	311,20,40,000

*Includes Cash and Short term Securities.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 2nd day of September 1949.

ISSUE DEPARTMENT

LIABILITIES	Rs	Rs	ASSETS	Rs	Rs.
Notes held in the Banking Department		37,40,74,000	A.—Gold Coin and Bullion:—		
Notes in circulation		1083,73,61,000	(a) Held in India	30,01,11,000	
Total Notes issued		1121,14,35,000	(b) Held outside India		
			Foreign Securities	910,34,38,000	
			Total of A		850,38,19,000
			R.—Rupee Coin		52,01,68,000
			Government of India Rupee Securities		418,76,68,000
			Internal Bills of Exchange and other commercial Paper		..
			Total Assets		1121,14,35,000
Total Liabilities		1121,14,35,000			

Ratio of Total of A to Liabilities: 58.000 per cent.

Dated the 7th day of September 1949.

C. R. TREVOR, Dy. Governor.

K. R. K. MENON, Secy.

New Delhi, the 9th September 1949

In the said Regulations, to Article 995, the following 'Note' shall be added, namely:—

"Note.—The concession of payment at the minimum rate of conversion of 1/- 9d per rupee indicated in Articles 934, 934 A to 934 D, and 935 shall not be available to those officers who were appointed by the Governor General and who retire after the 9th September, 1949."

R. D. BALVALLY, Dy. Secy.

No. F. 9(22)-E.V/49.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 241 of the Government of India Act, 1935, the Governor General is pleased to direct that the following further amendment shall be made in the Civil Service Regulations, namely:—

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX

New Delhi, the 7th September 1949

No. 90.—It is notified for general information that the Central Government have approved the institution mentioned below for the purposes of sub-section (1) of section 15B of the Indian Income-tax Act, 1922 (XI of 1922):—

"Bombay"

916. Ayurvedya Prasarak Mandal, Bombay."

S. P. LAHIRI, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 10th September 1949

No. 89.—In pursuance of sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (XI of 1922), the Central Board of Revenue directs that with effect from the 17th September, 1949 the following further amendment shall be made in the Schedule appended to its Notification No 82 Income-tax dated the 9th November, 1948, namely:

In the said Schedule—

- (i) under the sub-head '1-Madras' after entry '(4) Tanjore' against Tiruchirapalli Range the entry '(5) Puddukottai' shall be added;
- (ii) for the sub-head 'III-Bombay Mofussil' and the Ranges and income-tax circles specified there under the following sub-heads, Ranges and income-tax circles shall be substituted, namely:—

III-A Bombay North:

Ahmedabad I

- (1) E.P.T. Circle Ahmedabad
- (2) Kaira District.

Ahmedabad II

- (1) Circle II Ahmedabad
- (2) Circle III Ahmedabad

Nasik

- (1) Nasik
- (2) East Khandesh

Surat

- (1) Surat City
- (2) Surat District
- (3) Thana
- (4) West Khandesh
- (5) Broach and Panchmahals

Baroda

- (1) Northern Circles: (Mehsana, Patan and Amreli)
- (2) Southern Circles: (Baroda, Petlad, Navsari & Vyaia)
- (3) Ahmedabad Circle I.

III-B Bombay South:

Poona

- (1) Poona City
- (2) Poona District.
- (3) Ahmednagar

Kolhapur

- (1) Kolhapur
- (2) Satara South (Sangli)
- (3) Satara North
- (4) Kolaba & Ratnagiri Districts
- (5) Sholapur.

Belgaum

- (1) Belgaum
- (2) Dharwar
- (3) Bijapur

(iii) under the sub-head 'VII-Central Provinces and Berar' after the entry '(4) Chhindwara' against Jubbulpore Range, the following entries shall be added, namely:—

- (5) Raigarh
- (6) Rajnandgaon
- (7) Bhopal'

(iv) under the sub-head 'VIII-Delhi, East Punjab and Ajmer-Merwara' against Ambala Range—

(a) for the entry '(1) Ambala' the entry '(1) Ambala-Bilaspur' shall be substituted;

(b) after entry '(5) Rohtak' the entry '(6) Himachal Pradesh' shall be added;

(v) under the sub-head '(ix) Bihar and Orissa'—

(a) entry '(2) Special Circle Cuttack' against Patna Range shall be omitted, and

(b) for the existing entries against Cuttack Range the following entries shall be substituted:—

- (1) Ranchi-Manbhum Sadar
- (2) Hazaribagh
- (3) Dhanbad
- (4) Jamshedpur
- (5) Cuttack-Puri-Dhenkanal,
- (6) Mayurbhanj-Balasore-Keonjhar,
- (7) Ganjam-Phulbani-Khandmal,
- (8) Koraput-Bolangir-Patna,
- (9) Singhbhum Sambalpur-Sundergarh,
- (10) Special Circle, Cuttack.

S. P. LAHIRI, Secy.

MINISTRY OF FINANCE (DEFENCE)

ESTABLISHMENTS

New Delhi, the 8th September 1949

No. 6055/ACCTS./AN.—In exercise of the powers conferred by sub-section (2) of section 241 of the Government of India Act, 1935, the Governor-General is pleased to make the following rules to regulate the conditions of service of temporary Government servants in the Military Accounts Department:—

1. (1) These rules may be called the Military Accounts Department (Temporary Service) Rules, 1949.

(2) Subject to the provisions of sub-rule (8), these rules shall apply to all personnel of the Military Accounts Department who are under the rule making control of the Governor-General, but who do not hold a lien on any substantive post in the Military Accounts Department or under the Central or Provincial Governments

(3) Nothing in these rules shall apply to:—

- (a) Government servants engaged on contract;
- (b) Government servants not in whole time employment;
- (c) Government servants paid out of contingencies;
- (d) Temporary Accountants recruited under the terms of Finance Department (Military) letter No. 1880/ACCTS./E, dated 5th May 1941.

2. In these rules, unless there is anything repugnant in the subject or context:—

(a) "Appointing Authority" means Military Accountant General in the case of:—

(i) all class III servants (except Record Clerks) employed in the Military Accounts Department including Military Accountant General's Office and class IV servants belonging to the Office of the Military Accountant General.

(ii) Controllers of Accounts in the case of Record clerks and class IV servants belonging to their respective offices.

(b) "Government Service" means temporary service under the Government of India, and includes in the case of former employees of the Government of Sind, the North

West Frontier Province and Baluchistan service under any of these Governments,

(c) "quasi-permanent service" means temporary service commencing from the date on which a declaration issued under rule 3 takes effect and consisting of periods of duty and leave (other than extraordinary leave) after that date,

(d) "Specified post" means the particular post, or the particular grade of posts within a cadre, in respect of which a Government servant is declared to be quasi-permanent under rule 3,

(e) "Temporary Service" means officiating and substantive service in a temporary post, and officiating service in a permanent post, under the Government of India

8 A Government servant shall be deemed to be in quasi-permanent service:—

- (i) if he has been in continuous Government service for more than three years, and
- (ii) if the appointing authority, being satisfied as to his suitability in respect of age, qualifications, work and character for employment in a quasi-permanent capacity, has issued a declaration to that effect, in accordance with such instructions as the Governor General may issue from time to time

4 (a) A declaration issued under rule 3 shall specify the particular post or the particular grade of posts within a cadre, in respect of which it is issued, and the date from which it takes effect

(b) Where recruitment to a specified post is required to be made in consultation with the Federal Public Service Commission no such declaration shall be issued except after consultation with the Commission

5. (a) The service of a temporary Government servant who is not quasi-permanent service shall be liable to termination at any time by notice in writing given either by the Government servant to the appointing authority, or by the appointing authority to the Government servant.

(b) The period of such notice shall be one month, unless otherwise agreed to by the Government and by the Government servant

6. The services of a Government servant in quasi-permanent service shall be liable to termination:—

- (i) in the same circumstances and in the same manner as a Government servant in permanent service, or
- (ii) when the appointing authority concerned has certified that a reduction has occurred in the number of posts available for Government servants not in permanent service

Provided that the service of a Government servant in quasi-permanent service shall not be liable to termination under clause (ii) so long as any post of the same grade and under the same appointing authority as the specified post held by him, continues to be held by a Government servant not in permanent or quasi-permanent service.

Provided further that among Government servants in quasi-permanent service whose specified posts are of the same grade and under the same appointing authority, termination of service consequent on reduction of posts shall ordinarily take place in order of juniority in the list referred to in rule 7.

7 (1) Subject to the provisions of this rule, a Government servant in respect of whom a declaration has been issued under rule 3 shall be eligible for a permanent appointment on the occurrence of a vacancy in the specified posts which may be reserved for being filled from among persons in quasi-permanent service, in accordance with such instructions as may be issued by the Governor General in this behalf from time to time

Explanation—No such declaration shall confer upon any person a right to claim a permanent appointment to any post

(2) Every appointing authority shall from time to time after consultation with the appropriate Departmental Promotions Committee, prepare a list, in order of precedence, of persons in quasi-permanent service who are eligible for a permanent appointment. In preparing such a list, the appointing authority shall consider both the seniority and the merit of the Government servants concerned. All permanent appointments which are reserved

under sub-rule (1) under the control of any such appointing authority shall be made in accordance with such list:

Provided that the Government may order that permanent appointment to any grade or post may be made purely in order of seniority

8 A Government servant in quasi-permanent service and holding a specified post shall, as from the date on which his service is declared to be quasi-permanent, be entitled to the same conditions of service in respect of leave, allowances and disciplinary matters as a Government servant in permanent service holding the specified post.

9. A Government servant in quasi-permanent service shall, if his service is terminated otherwise than as a disciplinary measure or by resignation, be eligible for—

- (a) a gratuity at the rate of half a month's pay for each completed year of quasi-permanent service, such gratuity being payable on the basis of the pay admissible to such Government servant in respect of the specified post on the last day of his service, and
- (b) any gratuity to which he is entitled in respect of his service before his appointment to quasi-permanent service

10 Where a Government servant in quasi-permanent service is appointed substantively to a permanent post, the entire period of his quasi-permanent service, together with one half of the period of the preceding continuous temporary service (excluding extraordinary leave) rendered after 2nd September 1939, shall be deemed to be qualifying service for the grant of pension or gratuity, as the case may be

MEMORANDUM EXPLANATORY OF THE MILITARY ACCOUNTS DEPARTMENT (TEMPORARY SERVICE) RULES, 1949

Rule 1.—This rule explains the scope of these rules. They do not apply to Government servants who hold a lien on any permanent post in the Military Accounts Department or under the Central Government or Provincial Governments

Rule 2.—(a) The term "Controllers of Accounts" includes all Controllers of Military Accounts, Junior Controller of Military Accounts, Patna, Controller of Military Accounts (Pensions), Field Controllers of Military Accounts, Controller of Army Factory Accounts, Controller of Naval Accounts and Controller of Accounts, Air Forces

(b) The term "Government service" has been defined in a broad sense. It includes periods of duty as well as periods of leave including extraordinary leave. Prior service rendered in establishments paid out of Civil or Defence service estimates and counting as service under the Government of India is covered by this term

(c) The term "Quasi-permanent service" has been evolved with the object of attaching certain benefits to such services. Once the service of a temporary Government servant is declared as quasi-permanent he counts the periods of duty and leave with allowances thereafter irrespective of the duty having been rendered in the post in respect of which he has been declared quasi-permanent or any other post. Quasi-permanent service ceases when the Government servant is either appointed to a permanent post in a substantive capacity or is relegated to purely temporary service for reasons of inefficiency or as a disciplinary measure. It should be noted that extraordinary leave does not count as quasi-permanent service. This exclusion has been made because extraordinary leave does not count for pensionary benefits

(d) Under Rule 4(a) a Government servant has to be declared as quasi-permanent in respect of a particular post, such a post may be an isolated one or it may be a post in a cadre consisting of several posts. In case where a cadre is split up into several grades it may belong to one such grade within the cadre. A Government servant who is declared as quasi-permanent in respect of a particular post may be shifted from one post to another within the cadre or grade concerned due to reduction in post or other causes. Such shifting does not affect his rights

(e) The term "temporary service" includes periods of duty as well as periods of leave irrespective of such leave being with allowance or without. It should be noted that only the service rendered in a post under the Government of India is treated as temporary service.

Rule 3.—There are two conditions to be fulfilled before a Government servant could be declared as quasi-permanent. The first condition is 9 years Government service. This service should be continuous. The second condition is regarding the suitability of the candidate for continued appointment in the post concerned. A candidate's suitability has to be decided from three different angles. He should possess the requisite qualifications for the post, he should have both willingness and capacity to devote himself to the duties of his post; and perform them efficiently. In addition his character should be such as to make him fit for public service. A candidate who fulfils the two conditions can be declared as quasi-permanent. The issue of declarations should await the instructions referred to in this Rule which will be issued separately.

Rule 4.—This is a rule of procedure and is self explanatory. It is necessary that a declaration issued in favour of a candidate under this rule should be kept along with his permanent records. In the case of a gazetted officer an authenticated copy of the declaration should, therefore, be sent to the Accounts Officer concerned and in the case of a non-gazetted officer it should be pasted to the Service book.

Rule 5.—This rule indicates the procedure to be adopted in terminating the services of a Government servant who is not declared quasi-permanent. As the services of "purely temporary" employees are expressly made terminable by notice on either side, such termination will not be construed as "dismissal" or "removal" so as to attract the provisions of section 240(3) of the Government of India Act, 1935; or necessitate the institution of formal disciplinary proceedings under the classification Rules. The intention is to facilitate the maintenance of discipline and the weeding out of inefficiency or unsuitable employees.

Rule 6.—This rule relates to the security of tenure of a quasi-permanent Government servant. It should be noted that except in the event of reduction in the number of posts in the cadre or grade concerned the termination of service of a quasi-permanent Government servant will have to be made in the same manner as in the case of a permanent Government servant. For example, if the services are to be terminated on grounds of indiscipline or inefficiency, it will be necessary to institute formal proceedings against him. He has also got a superior right of retention in service over that of purely temporary employees, in the grade in which he is quasi-permanent.

Rule 7.—This rule deals with the prospect of permanency of a quasi-permanent employee in the grade in which he is quasi-permanent and provides for permanent absorption into Government service of suitable candidates.

Rule 8.—This rule deals with the benefits accruing from the quasi-permanent service in the matter of pay and allowances, leave and disciplinary matters. It should be noted that the benefits accruing to a quasi-permanent employee in a post in which he is declared quasi-permanent are more or less similar to those accruing to him had he held such a permanent post in a substantive capacity. Hence for the purpose of leave salary the pay in the quasi-permanent post will be treated as substantive pay. Similarly his increments in that post will not be postponed by leave with allowances. This rule however, does not confer any retrospective benefit and the calculation of leave and leave salary as if he were in permanent service should be made only from the date from which he is declared as quasi-permanent.

Rule 9.—This rule deals with terminal benefits in respect of quasi-permanent service. It provides for a gratuity which is to be reckoned only on completed years of quasi-permanent service. The gratuity is not payable in the event of resignation or removal on disciplinary grounds. It is to be calculated with reference to the pay in specified post and not with reference to the pay in any other post the Government servant may be holding at the time of termination of the service.

Rule 10.—This rule confers certain additional benefits in the matter of counting service for pension. When a quasi-permanent Government servant is appointed substantively to a permanent post as envisaged in Rule 7, not only the entire quasi-permanent service counts as qualified service but half the continuous temporary service rendered after 2nd September 1939 also counts for this purpose. It should, however, be noted that periods of extraordinary leave should be excluded while reckoning the additional period.

K BHAWANISHANKAR RAO, Finl Advr

MINISTRY OF COMMERCE

EXPORT TRADE CONTROL

New Delhi, the 17th September 1949

No. 91-C.W.(4)/49.—In pursuance of clause (h) of the notification of the Government of India in the late Department of Commerce, No. 91-C.W.(1)/45, dated the 3rd November 1945, the Central Government is pleased to direct that the following further amendment shall be made in the Open General Licence No. 4 published with the notification of the Government of India in the Ministry of Commerce No. 91-C.W.(4)/49, dated the 12th April 1949, namely:

To the list of goods given in the said Open General Licence, the following shall be added, namely—

"(xvi) Imitation vari goods"

B M MEHTA Asstt Secy

MERCHANDISE MARKS

New Delhi, the 17th September 1949

No. 199(I)-Law/49.—The following draft of an amendment which it is proposed to make to the rules published under the Notification of the Government of India in the Ministry of Commerce, No. 818(1)-Tr(MM)/48, dated the 4th June 1949, in exercise of the powers conferred by sub-section (2) of section 19A of the Sea Customs Act, 1878 (VIII of 1878) and section 19 and sub-section (1) of section 20 of the Indian Merchandise Marks Act, 1889 (IV of 1889), is published as required by sub-section (6) of section 20 of the last named Act for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st November 1949.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government—

Draft Amendment

In paragraph 2 of the said rules after the item "Decatizing Wrappers" the following item shall be inserted, namely—

"Laces, nets including cotton Bretonic nets"

No. 301(6)Tr-(MM)/48.—The following draft of certain further amendments to the notification of the Government of India in the late Department of Finance and Commerce No. 1474, dated the 18th November 1891, which it is proposed to make in exercise of the powers conferred by section 16 of the Indian Merchandise Marks Act, 1889 (IV of 1889), is published for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 1st December 1949. Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

For parts III, IV and V of the said notification, the following shall be substituted, namely:

"Trade Descriptions of Count"

III A trade description of count or number length or weight applied to grey or bleached, single or two-fold,

cotton yarn, other than that made wholly of waste, shall not be deemed to be false in a material respect, unless—

(a)(i) in the case of *grey yarn*, the described count or number is greater or less than the actual count or number by more than 5 per cent. the actual count being equivalent to the average count of the yarn in one bundle; or

(ii) in the case of *bleached yarn* the count of the yarn in the grey state is not stamped on the bundle or the described count is greater or less than the actual count by more than 10 per cent., the actual count being equivalent to the average count of the yarn in one bundle; or

(b)(i) in a bundle of *grey yarn*, the average length of single hanks is less than 880 yards and of double hanks is less than 1,660 yards; or

(ii) in a bundle of *bleached yarn* the average length of single hanks is less than 800 yards and of double hanks is less than 1,618 yards; or

(c)(i) in the case of a bundle of yarn of counts below 16s. and not exceeding 5 lbs. in weight, the variation between the stamped and actual weights thereof is greater or less than two ounces or four ounces in the case of a bundle exceeding 5 lbs. in weight; or

(ii) in the case of a bundle of yarn of counts 16s. and above, and not exceeding 5 lbs. in weight, the variation between the stamped and actual weights thereof is greater or less than one ounce or two ounces in the case of a bundle exceeding 5 lbs. in weight; or

(d)(i) in a bundle of yarn of any count under 50, described as being 10 lbs. in weight, the number of knots of 20 hanks each is not half of, or the number of knots of 10 hanks each is not the same as, or the number of knot of 5 hanks each is not double, the described count or number of the yarn; or

(ii) in a bundle of yarn of any count under 50, described as being 5 lbs. in weight, the number of knots of 20 hanks each is not a quarter of, or the number of knots of 10 hanks each is not half of, or the number of knots of 5 hanks each is not the same as, the described count or number of the yarn; or

(iii) in a bundle of yarn of any count from 50 upwards, the number of knots of 20 hanks each is not half, or the number of knots of 40 hanks is not a quarter, when the described weight is 10 lbs., or is not a quarter or an eighth, when the described weight is 5 lbs. of the count or number of the yarn; or

(e) in the case of *bleached yarn* the grey weight is not stamped or the described weight exceeds the actual weight by more than—

10 per cent. in counts up to 24;

8½ per cent. in counts from 25 to 40;

7½ per cent. in counts of 41 and upwards;

the allowance being 1 per cent. less than that specified in each of the above cases if the bleached yarn in the bundle is two-fold. Provided that for the purposes of applying any of the sub-clauses of clause (d) to importations of single yarn in double hanks and of two-fold yarn in single and double hanks, one single hank of two-fold yarn, one double hank of single yarn and one double hank of two-fold yarn shall be taken respectively as two, two and four hanks of single yarn, but the described count or number shall contain a definite indication that the yarn in the bundle is two-fold or in double hanks or both as the case may be.

IV. A trade description of count or number applied to a bundle of *folded other than two-fold grey or bleached cotton yarn made wholly of waste or dyed cotton yarn* shall be accepted indicating length only, the hank being taken to measure 840 yards, and it shall be deemed to be false in a material respect if the average length of the hanks in a bundle is less than 809 yards.

V(a) A trade description of length applied to *thread of any kind* (of cotton, wool, flax or silk) shall not be deemed to be false in material respect, unless it exceeds the actual length by more than 1 per cent.;

(b) A trade description of weight applied to cotton sewing or darning thread such as has been manufactured, bleached dyed or finished in a premises which is a factory

as defined in the Factories Act, 1948, shall not be deemed to be false in a material respect unless the described weight exceeds the actual weight by more than—

10 per cent. for units upto 0·05 of an ounce;

5 per cent. for units between 0·05 and 0·5 ounce;

3 per cent. for units exceeding 0·5 ounces;

provided that a two-fold sewing or darning thread shall be considered as yarn.

S. RANGANATHAN, Joint Secy.

MINISTRY OF FOOD

New Delhi, the 6th September 1949

No. E. & I-576(27)/49.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1948 (XXIV of 1948), the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of section 8 of the said Act to make orders in relation to the prohibition of export of Mustard Oil and Mustard Seeds from the Province of Assam shall also be exercisable by the Government of Assam subject to the conditions that—

(a) No such order shall remain in force after that 31st December 1949 and

(b) that such orders shall not apply to the movement of Mustard Oil and Mustard Seeds against valid export licences issued by the Government of India for export out of India.

K. R. DAMLE, Joint Secy.

MINISTRY OF INDUSTRY AND SUPPLY

Bombay, the 10th September 1949

No. 9(9)-Tex.1/49(viii).—In exercise of the powers conferred on me by sub-clause (1) of clause 22 of the Cotton Textiles (Control) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notifications No. 9(9)-Tex.1/49(ii) dated the 19th March 1949, namely:—

In the schedule B2 appended to the said notification, to foot note 1 the following explanation shall be added, namely:—

Explanation:—“Yarn may also be packed in bundles of 5 lbs. each, if so desired by the manufacturer, the price applicable in such case being one half of the price specified for 10 lbs. of the particular count of yarn in the schedule above.”

No. 9(9)-Tex.1/49(ix).—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/49(i) dated the 27th April 1948, namely:—

In the table appended to the said Notification in entry No. 2 after sub-entry (ii) the following sub-entry shall be added, namely:—

“(iii) Assistant Textile Commissioner (Yarn), Madras,]
and]
Assistant Textile Commissioner (Distribution),]
Madras”

No. 15-Tex.1/49.—In pursuance of sub-clause (1) of clause 8 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following amendment shall be made in the General Permit No. 1, dated the 18th August 1949, contained in the Textile Commissioner's Notification No. 15-Tex.1/49, dated the 18th August 1949, namely:—

In paragraph 6 of the said General Permit after item No. (xxix) the following shall be added:—

“(xxx) Bidi-binding thread balls

(xxxi) Cotton thread for use as sacred thread.”

Bombay, the 17th September 1949

No. 15-Tex.I/49.—In exercise of the powers conferred upon me by sub-clause (c) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 101-TA/46(n), dated the 20th July 1948, namely:—

In the table appended to the said notification after entry No. 15, the following shall be added:—

16. All District Supply Officers,
all Magistrates, First Class,
all Superintendents of Police
and all Deputy Superintendents
of Police in the United Pro-
vinces. - do -

Bombay, the 17th September 1949

No. 9(9)-Tex.I/49.—In exercise of the powers conferred on me by clause 34 of the Cotton Textiles (Control) Order, 1948 as applied to the United State of Saurashtra by the Saurashtra Cotton Textile (Control) Order (Application)

No. 15-Tex.I/49(i).—In pursuance of sub-clause (1) of clause 9 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendment shall be made in the General Permit No. 1, dated the 18th August 1949 contained in the Textile Commissioner's Notification No. 15-Tex.I/49, dated the 13th August 1949, namely:—

In paragraph 6 of the said General Permit after item No. (xxxi) the following shall be added:—

"(xxxii) Cotton putties "

Ordinance, 1948 (No. XLV of 1948 of Saurashtra), I hereby authorise with the sanction of the Central Government every officer of the said State specified in column 2 of the table below to exercise within the areas specified against him in column 3 of the table the functions of the Textile Commissioner indicated in column 4 of the table

TABLE

1	2	3	4
1	Textile Controller and Assistant Textile Controllers.	The United State of Saurashtra.	(i) To specify the person or persons to whom cloth or yarn may be sold or delivered by any manufacturer or dealer in the State to whom a direction has been or may hereafter be given by a Special or General Order by the Textile Commissioner under clause 30(b) of the said Order (ii) To exempt in pursuance of clause 33 of the said Order any specified piece or pieces of cloth in the possession of any dealer carrying on business within the State from the provisions of clause 25 of the said Order. (iii) The functions under clause 31 of the said Order. (iv) To issue directions under clauses 30 of the said Order to any dealer carrying on business within the State.

GENERAL PERMISSION

Bombay, the 17th September 1949

No. TOSI/25.—In exercise of the powers conferred on me by clause 38 of the Cotton Textiles (Control) Order, 1948 and with reference to clause 25(2) of the said Order, I hereby direct that cloth or yarn produced in July 1949 or earlier by a producer having a spinning plant and held on the date of this permission by such producer may be bought or sold or kept in possession in unopened bales or cases till the 31st October 1949 by the producer concerned or by any dealer notwithstanding that the period specified for the same in the said clause 25(2) has expired.

No. 27/1-T.2/48.—In exercise of the powers conferred on me by clause 6 (i) of the Cotton Textiles (Export Control) Order, 1949 I hereby exempt cloth sold or agreed to be sold for export or exported by any person from the provisions of the said clause 6 (i);

And in pursuance of clause 4 of the said Order I further direct that cloth exempted as above may be sold or agreed to be sold for export or exported by any person notwithstanding that it has been marked with prices.

T. P. BARAT, Textile Commr.

C'ORIGENDUM

New Delhi, the 7th September 1949

No. 9(4)-Tex.I/49.—In sub-para. (ii) or para. (3) of the Government of India, Ministry of Industry & Supply Notification No. 9(4)-Tex.I/49 dated the 24th August 1949, published in the Gazette of India dated the 3rd September 1949 at page 1185, for the words brackets and figure "in sub-clause (4)", please substitute the words, brackets and figure "in sub-clause (6)".

K. SEN, Joint Secy.

RUBBER CONTROL

New Delhi, the 9th September 1949

No. 17(3)-I-6/49.—In exercise of the powers conferred by section 25 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), the Central Government is

pleased to direct that the following further amendments shall be made in the Rubber (Production and Marketing) Rules, 1947 namely:—

In the said rules:—

In rule 40:—

(1) clause (a) shall be omitted and the other clauses (b), (c), (d) and (e) shall be renumbered as (a), (b), (c) and (d) respectively

(2) In clause (u) as renumbered, for the word, figure and letters "exceeding 1 cwt.", the word, figures and letters "exceeding 150 lbs" shall be substituted.

(3) In Form 'B' set forth in the Schedule annexed to the said Rules, item 7 shall be omitted.

New Delhi, the 18th September 1949

No. 27(3)-I-6/49.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), and in partial modification of the notification of the Government of India in the late Industries and Supplies Department (India), No. 27(1)IP/47, dated the 8th August, 1947, the Central Government, on the recommendation of the Association of Planters of Travancore, Kottayam, is pleased to appoint Mr. R. A. McKay, Venture Estate, Kalthurity, P.O. Travancore as a member of the Indian Rubber Board, vice Mr. F. Hawkings resigned.

No. 27(3)-I-6/49.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), and in partial modification of the notification of the Government of India in the late Industries and Supplies Department (India) No. 27(1)IP/47, dated the 8th August, 1947, the Central Government, on the recommendation of the United Planters' Association of Southern India, Coonoor, is pleased to appoint Mr. E. Lefevre of M/s. Aspinwall and Company Ltd., Fort Cochin, as a member of the Indian Rubber Board, vice Mr. B. H. Whitehorn, resigned.

INDIAN RUBBER BOARD

New Delhi, the 9th September 1949

No. 17(3) I-6/49.—In pursuance of section 14 of the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), the Indian Rubber Board is hereby pleased to issue a general licence authorising consumers whose consumption of raw rubber does not exceed 150 lbs. per half year to buy or otherwise acquire raw rubber up to a maximum quantity of 150 lbs. per half year.

P. C. JOHN, Offg. Secy.

K. RAM, Dy. Secy.

MINISTRY OF AGRICULTURE

New Delhi, the 9th September 1949

No. F.39-21/49.—Comm.—In pursuance of the provisions of Rule I(42) of the Rules and Regulations of the Indian Central Tobacco Committee, the Associated Chambers of Commerce of India have nominated Mr. A. T. W. Edmondson, Depot Manager, Imperial Tobacco Co. of India Ltd., Madras, as their representative on the Indian Central Tobacco Committee with effect from the 20th August 1949 vice Mr. A. J. Irvine resigned.

S. R. MAINI, Dy. Secy.

CORRIGENDA

New Delhi, the 9th September 1949

No. SV-101(10)/49.—In the notification of the Government of India in the Ministry of Agriculture No. SV-101(8)/49, dated 2nd September, 1949, published in the Gazette of India Extraordinary dated 2nd September, 1949 the following amendment should be made:—

For “Essential Supplies (Temporary Powers) Act, 1946 (XXIX of 1946)” in line 2, read “Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946)”.

No. SV-101(10)/49.—In the Schedule annexed to the notification of the Government of India in the Ministry of Agriculture No. SV-101(9)/49, dated 2nd September, 1949, published in the Gazette of India Extraordinary dated 2nd September, 1949, the following amendment shall be made:—

- (i) Below the word “Schedule” add “of price per maund, in rupees, for crystal sugar for sale ex-factory, according to Indian Sugar Standards grade”.
- (ii) For “Rs. 28-4-1” shown as cost of D.23 quality sugar read “28-4-0”.

N. T. MONE, Joint Secy.

MINISTRY OF EDUCATION

RESOLUTION

New Delhi, the 12th September 1949

No. F. 51-29/48-D1.—In partial modification of the Government of India Resolution No. F. 51-29/48-D1 dated 8th April 1949 regarding the establishment of a Governing Body of the Central Institute of Education Delhi, the Government of India is pleased to amend its Resolution as under:—

In para. 9 against item 4 for “Shri S. Ratnam, Joint Secretary, Ministry of Finance, Government of India” substitute “A representative of the Ministry of Finance, Government of India.”

ORDERED that a copy of this Resolution be communicated to all Provincial Governments and Minor Administrations and all Ministries of the Government of India.

ORDERED also that the above amendment be published in the *Gazette of India* for information.

BINA CHUTTERJI, Secy.

MINISTRY OF HEALTH

New Delhi, the 13th September 1949

No. F. 6-94/48-M.II.—In exercise of the powers conferred by sub-section (2) of section 241 of the Government of India Act, 1935, the Governor General is pleased to direct that the following further amendments shall be made in the Central Services (Medical Attendance) Rules, 1944, namely:—

In the said Rules—

1. In sub-rule (2) of rule 3, for the word ‘treatment’ the words ‘medical attendance’ shall be substituted.
2. In rule 5—
 - (i) in sub-rule (1)—
 - (a) the words ‘or that the patient requires anti-rabic treatment.’ shall be omitted;
 - (b) in clause (a) the words ‘or, in the case of anti-rabic treatment, to the nearest place in the Province where such treatment is available’ shall be omitted;
 - (ii) in sub-rule (2) the words ‘or the place where he is sent for anti-rabic treatment’ shall be omitted;
3. In rule 6—
 - (i) in sub-rule (1)—
 - (a) the brackets and letter ‘(i)’ shall be omitted;
 - (b) clause (ii) shall be omitted;
 - (ii) in sub-rule (2), the words ‘or anti-rabic treatment’ shall be omitted.

HARBANS SINGH, Under Secy.

MINISTRY OF TRANSPORT

PORTS

New Delhi, the 9th September 1949

No. 8-P(100)/49.—In exercise of the powers conferred by sub-section (1) of section 35 of the Indian Ports Act, 1908 (XV of 1908), the Central Government is pleased to direct that the following further amendment shall be made in the Scale of Port and Pilotage Charges of the Bombay Port Trust, namely:—

In the said scale of Port and Pilotage Charges, after paragraph 38 the following paragraph shall be added, namely:—

“39.

Mooring Fees

	Vessels under 1500 tons net register	Vessels of 1500 tons net register and over
For use of swinging moorings—	Rs.	Rs.
First day or any part thereof	30	60
Each subsequent day or any part thereof	10	20

NOTE—“A day shall be reckoned as 24 hours from the time the mooring is completed.”

A. K. MUKHERJEE, Dy. Secy.

New Delhi, the 12th September 1949

No. 103-E(5)/49.—In pursuance of section 3 of the Railways (Transport of Goods) Act, 1947 (XII of 1947), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Transport No. 103-E(5)/49, dated the 28th March 1949, namely:—

In the said notification, after entry 11 the following entry shall be added, namely:—

“12. Deputy Traffic Manager (Operating) O. T. Railway, Gorakhpur”.

S. CHAKRAVARTI, Dy. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 10th September 1949

No. 14(59)Cus/49-A.—In exercise of the powers conferred by Section 38 of the Administration of Evacuee Property (Chief Commissioner's Provinces) Ordinance, 1949 (XII of 1949) as extended to the provinces of Kutch, Bilaspur and Himachal Pradesh, the Governor General is pleased to delegate powers of appointment of Custodian, Deputy Custodians and Assistant Custodians under Sec. 4 of the aforesaid ordinance and powers to issue notification under Sec. 26 of the above ordinance, restricting transfer of immovable property, to the Chief Commissioners of these provinces for purposes of their respective territories.

No. 14(59)Cus/49-B.—In pursuance of sub-section (2) Sec. 15 and sub-section (1) of sec. 25 of the Administration of Evacuee Property (Chief Commissioner's Provinces) Ordinance 1949 (XII of 1949) as extended to the provinces of Kutch, Bilaspur and Himachal Pradesh by Ministry of States notification No. 171-R, dated the 18th July 1949, the Central Government is pleased to specify the 15th August 1947 as the date for the purposes of aforesaid sub-sections with reference to the above-mentioned provinces.

No. 14(59)Cus/49-C.—In exercise of the powers conferred by section 38 of the Administration of Evacuee Property (Chief Commissioner's Provinces) Ordinance, 1949 (XII of 1949) as extended to the province of Bhopal, the Central Government is pleased to delegate power to issue notification under section 26 of the Ordinance prohibiting transfer of immovable property to the Chief Commissioner, Bhopal in so far as the Province of Bhopal is concerned.

PARSHOTAM SARUP, Under Secy.

MINISTRY OF COMMUNICATIONS

POSTS AND TELEGRAPHS

New Delhi, the 7th August 1949

No. T-48-13/49.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely:—

After rule 156 of the said Rules the following rule shall be inserted, namely:—

“156-A. For the receipt only of press telegrams at press rates each authorised newspaper, periodical publication, news agency or broadcasting station may have an abbreviated address registered free of charge as provided for in rule 381.”

K. V. VENKATACHALAM, Dy. Secy.

MINISTRY OF LABOUR

New Delhi, the 7th September 1949

No. PF-132/EMG(17).—In exercise of the powers conferred by sub-section (3) of section 5 of the Tea Districts Emigrant Labour Act, 1932 (XXII of 1932), the Central Government is pleased to fix rupees three as the rate of the Emigrant Labour Cess to be levied in respect of the entry into Assam of each assisted emigrant for the year commencing on the 1st October 1949 and ending on the 30th September 1950.

New Delhi, the 13th September 1949

No. LR-2(215)/I.—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the following amendment shall be made in the Order of the Government of India in the Ministry of Labour No. LR-2(215)/II, dated the 13th August 1949, namely:—

In the said Order, for the words and brackets “Whereas an industrial dispute has arisen between the Atlas Assurance Company Limited, Calcutta (including their branches) and their employees” the words “Whereas an industrial dispute has arisen between the Atlas Assurance Company Limited, Calcutta and their employees in the Calcutta Office” shall be substituted.

New Delhi, the 14th September 1949

No. LW.1(4)47.—The following draft of certain amendments to the Coal Mines Labour Welfare Fund Rules, 1949 which it is proposed to make in exercise of the powers conferred by section 10 of the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), is published, as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration on or after the 15th November 1949.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government.

Draft Amendments

A. In the said Rules—

1. For rule 2, the following rule shall be substituted, namely:—
 - “2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context,—
 - (a) ‘the Act’ means the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947);
 - (b) ‘Chairman’ means the Chairman of the Advisory Committee constituted under section 8 of the Act;
 - (c) ‘Commissioner’ means the Coal Mines Labour Welfare Commissioner appointed under section 9;
 - (d) ‘form’ means a form appended to these Rules;
 - (e) ‘member’ means a member of the Advisory Committee or the Housing Board, as the case may be;
 - (f) ‘owner’ of a coal mine includes a lessee, or mortgagee in possession of such coal mine and any partner, managing director, agent, manager or any other person authorised to represent the colliery in its transaction;
 - (g) ‘month’ means a complete month reckoned according to the English Calender;
 - (h) ‘treasury’ means any Government treasury or sub-treasury;”

2. For sub-rule (1) of rule 27, the following sub-rule shall be substituted, namely:—

- “(1) The duty of excise imposed under section 3 of the Act on coal and coke shall,—
 - (i) when such coal and coke is despatched by rail from any colliery in a Province to any station in India be collected by the Railway administration concerned by means of a surcharge on freight, and such duty of excise shall be recovered—
 - (a) from the consignee, if the freight charges are collected at the destination of the consignment; or
 - (b) from the consignor, if the freight charges are prepaid at the forwarding station; or
 - (c) from the party paying the freight if the consignment is booked on the weight system;
 - (ii) when such coal or coke is despatched from collieries otherwise than by rail, be recovered from the owner of the colliery concerned and collected in the manner provided for in Chapter IV of these Rules.”

3. After Chapter III the following Chapter shall be inserted, namely:—

CHAPTER IV

PROCEDURE FOR RECOVERY OF EXCISE DUTY ON COAL AND COKE DESPATCHED OTHERWISE THAN BY RAIL

32. **Maintenance of Register of despatches and submission of returns.**—(1) Every owner of a colliery shall maintain in Form D a Register of Despatches of all coal and coke despatched otherwise than by rail and shall record thereon the despatches made in every month separately and consecutively. At the close of each month, the

entries made against each permit and date in the Register shall be totalled and the total tonnage despatched during the month found. The amount of duty of excise payable on that tonnage at the prescribed rate shall be worked out and recorded in the register itself.

Explanation.—In calculating the total tonnage, if there is a fraction in the total tonnage which is less than half a ton, it shall be ignored; if it is not less than half a ton, it shall be taken as one ton.

(2) Every owner of a colliery shall submit to the Commissioner in duplicate a Return in Form 'D' for each month in accordance with the entries made in the register maintained under sub-rule (1) duly signed by the colliery owner or any person authorised by him in this behalf. The returns so submitted shall reach the Commissioner not later than the last day of the following month. Where there has been no despatch during any month, the colliery shall submit to the Commissioner not later than the day aforesaid a blank return for the month in duplicate with a certificate to that effect duly signed by the colliery owner or any person authorised by him in this behalf.

33 Provisional assessment and payment of excise duty—

(1) The amount of excise duty payable for a month as calculated under rule 32(1) shall be deemed to have been provisionally assessed by the Commissioner and it shall be paid or cause to be paid by the owner into the nearest treasury not later than the last day of the following month.

(2) The payment into the treasury shall be made by means of a challan the remittance being shown as creditable to the Central Head "T-Deposits & Advances—Part II—Deposits not bearing interest (b) Reserve Funds Central—Coal Mines Labour Welfare Fund—Excise duty on coal and coke."

(3) The challan shall be filled in triplicate, a copy of which shall be retained by the Treasury and the remaining two copies shall be returned to the depositor who will keep one for himself and transmit the other copy to the Commissioner as proof of payment along with the monthly return prescribed in rule 32(2) after entering the number, date and amount shown in the treasury Receipt in both the copies of the return.

34 Delay in submission of Returns—If the return for any month does not reach the Commissioner within the time prescribed by rule 32, the colliery owner shall be liable to a penalty which shall be calculated at Rs. 10 for each week's default or part thereof subject to a maximum of Rs. 200.

35 Late returns and revision of returns—If the owner of any colliery has not furnished the return within the prescribed date or having furnished it, discovers any omission or wrong statement therein, he may furnish a return or a revised return, as the case may be at any time before the order of final assessment is passed.

36 Final assessment of excise duty—(1) If the Commissioner is satisfied that the return submitted by any owner is correct and complete, he shall confirm the provisional assessment referred to in rule 33(1) as final and send an intimation to that effect to the owner of the colliery concerned in Form E within three months from the date of receipt of the return.

(2) (a) If the Commissioner is not so satisfied, he may either depute an officer for the purpose of verification of the correctness and completeness of the returns with reference to the books and accounts and other relevant records of the colliery at its premises, or issue a notice in Form F-1 on the owner of the colliery concerned requiring him to attend either personally or through a duly authorised representative on the date and at the time and place to be specified in the notice. The officer deputed by the Commissioner shall be afforded all necessary facilities at the premises of the colliery for the purpose of verification as aforesaid.

(b) After verification of the return or after hearing such evidence as the owner may produce in compliance with the notice issued under clause (a) and such evidence as the Commissioner may require on specified points, the Commissioner shall as soon as possible assess the amount of duty due from the owner and such assessment shall be final.

(c) If the Commissioner is satisfied that the return submitted by the owner is correct and complete, he shall confirm the provisional assessment as final. If, on the other hand, under the final assessment a further sum is due from the owner, the Commissioner shall issue on the owner a Demand Notice in Form H-1 requiring the payment of the balance due within the time specified therein;

(d) If any owner having furnished a return for a month, fails to comply with any of the terms of the notice that may be issued on him under clause (a) the Commissioner shall assess the amount of the duty due from him which in his judgment is just and proper and such assessment shall be final.

(3) If any owner does not furnish a return in Form D for any month by the prescribed date in the manner laid down in rule 32(2) and 33(3), the Commissioner shall, after giving the owner a reasonable opportunity of being heard by the issue of a notice in Form F-2 assess the amount of duty due from him which in his opinion is just and proper and may also impose penalty as laid down in rule 31.

(4) If upon information which has come into his possession the Commissioner is satisfied that an owner has actually despatched during a month coal or coke otherwise than by rail and has thereby become liable to pay duty under section 3 of the Act but has failed to furnish a return in respect of that month and to pay the amount of provisional assessment on that basis by the last day of the following month, the Commissioner shall, after giving the owner a reasonable opportunity of explaining the reasons for the failure by the issue of a notice in Form F-3, assess the amount of duty due from him which in his opinion, is just and proper in respect of that month.

(5) The Commissioner shall fix a date ordinarily not less than 30 days after the date of issue of a notice in Form F-1 or F-3 for producing such accounts and documents as he may require and for considering any objection which the owner may wish to offer.

(6) After considering any objection made by the owner and any evidence produced in support thereof, the Commissioner shall assess the amount of the duty to be paid by the owner and shall briefly record his findings and pass his final assessment order in Form G.

(7) The amount of duty thus assessed, the date by which the amount so assessed is to be deposited (which shall not ordinarily be less than 30 days from the date of issue of Demand Notice) and any other particulars connected therewith shall be specified in the Demand Notice in Form H-1.

(8) The mode of payment into the Treasury of the amount specified in Demand Notice in Form H-1 shall be the same as laid down in rule 33(2) and rule 33(3) provided that the copy of the Treasury challan intended for transmission to the Commissioner shall be forwarded to him with a covering letter quoting reference to the Demand Notice.

37 Recovery of unpaid Excise Duty and Penalty—(1) Any amount of duty (together with the penalty, if any) which remains unpaid after the date specified in the Demand Notice shall be recovered as an arrear of land revenues.

(2) The Commissioner shall (in order to recover the unpaid amount of cess, and penalty if any), apply to the Collector of the district in which the colliery is situated for the recovery of the amount remaining unpaid.

(3) The Collector shall send a report to the Commissioner by the 10th of each month showing the amount recovered by him during the preceding month.

38 Review—(1) Within 30 days from the date of issue of a Demand Notice in Form H-1, any owner may submit a petition to the Commissioner asking for a review of such assessment, provided that no such petition shall be entertained unless the Commissioner is satisfied that the amount assessed has been paid by the owner into the treasury as required under rule 36.

(2) Every petition for review shall be accompanied by a memorandum setting forth clearly the principal grounds of objections against the assessment made together with

"FORM H-1"

(See Rule 36)

Demand Notice

To (Proprietor/Partner/Director/Manager/Agent) of (Colliery) at P. O. location of colliery

District in the province of

In continuation of the notice in Form *F.1/F.2/F.3 issued to you per registered post on the day of 194... you are hereby informed that your total despatch of *coal/coke by *road/river during the month(s) of 194... has been finally determined at tons and accordingly cess amounting to Rs (Rupees in words

only is payable by you.

2. You are hereby directed to pay the sum of Rs (Rupees in words

below into the nearest Government Treasury on or before the day of 194... and to produce before the Commissioner a copy of the relevant Treasury challan as proof of payment not later than the day of 194... failing which the said sum of Rs (Rupees in words

only will be recoverable from you as an arrear of land revenue.

Details of assessed amount

1. Amount of cess payable Rs
2. Amount of penalty imposed if any Rs
3. Total payable Rs

4. Deduct amount already paid by you as per Treasury Challan No. dated

Net amount payable Rs.

Seal of the Commissioner.

Commissioner.

No.

Date

Place.....

*Strike out the number of form and words and phrases not applicable.

New Delhi, the 6th September 1949

No. LR-2(215).—In exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government is pleased to direct that the following amendment shall be made in the Order of the Government of India in the Ministry of Labour No. LR 2(215)/I, dated the 13th August 1949, namely:—

In the said Order, for the words and brackets "Whereas an industrial dispute has arisen between the Free India General Insurance Company Limited, Kanpur (including their Branches) and their employees," the words "Whereas an industrial dispute has arisen between the Free India General Insurance Company Limited, Kanpur and their employees in the Head Office" shall be substituted

S. MULLICK, Dy. Secy

New Delhi, the 12th September 1949

No. LL.39(2).—In exercise of the powers conferred by section 6 of the Employment of Children Act, 1938 (XXVI of 1938) and in partial modification of the Government of India in the late Department of Labour Notification No. LR-12(3)-I, dated the 29th August 1945, the Central Government is pleased to appoint the Regional Labour Commissioner (Central), Madras, to be Inspector for the purposes of the said Act in respect of Federal Railways.

No. LL.39(2A).—In exercise of the powers conferred by sub-section (1) of section 71G of the Indian Railways Act, 1890 (IX of 1890) and in partial modification of the Government of India in the late Department of Labour Notification No. LR-12(3), dated the 29th August 1945, the Central Government is pleased to appoint the Regional Labour Commissioner (Central), Madras, to be a Supervisor of Railway Labour.

P. N. SHARMA Under Secy

DIRECTORATE GENERAL OF RESETTLEMENT AND EMPLOYMENT

New Delhi, the 9th September 1949

No. RP-43(1).—Corrigendum.—In this Ministry's Notification No. RP-250(2), dated the 18th December, 1947, regarding the constitution of the Sub-Regional Employment Advisory Committee, Asansol, for the existing entries No. 23 and 24 the following shall be substituted:—

23. Sub-Regional Employment Officer, Ex-officio Secretary.

24. Assistant Public Relations Officer, (Ex-officio).

No. RP-43(2).—Corrigendum.—In this Ministry's Notification No. RP-250 dated the 7th January, 1948, regarding the constitution of the Sub-Regional Employment Advisory Committee Darjeeling, the existing entry No. 14 shall be deleted and entry No. 13 amended as follows:—

Sub-Regional Employment Officer, Darjeeling (Ex-officio Secretary).

No. RP-43(3).—Corrigendum.—In this Ministry's Notification No. RP-250(2), dated the 7th January, 1948, regarding the constitution of the Sub-Regional Employment Advisory Committee Howrah, for the existing entries No. 20 and 21 the following shall be substituted:—

20 Sub-Regional Employment Officer (Ex-officio Secretary).

21. Assistant Public Relations Officer (Ex-officio)

No. RP-43(4).—Corrigendum.—In this Ministry's Notification No. RP-250(3), dated 7th January 1948, regarding the constitution of the Sub-Regional Employment Advisory Committee Barrackpore, for the existing entries No. 13 and 14 the following shall be substituted:—

13 Sub-Regional Employment Officer (Ex-officio Secretary).

14 Assistant Public Relations Officer (Ex-officio)

BIHAGWAN SINGH, Asstt. Secy.